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REMARKS

Claims 1-31 are currently pending in the subject application and are presently under consideration. Favorable consideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1, 8-13, 16, 18, 21-22 and 25-26 Under 35 U.S.C. §102(e)

Claims 1, 8-13, 16, 18, 21-22 and 25-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Curtis (US 6,442,754). Withdrawal of this rejection is respectfully requested for at least the following reasons. Curtis fails to disclose, teach or suggest each and every limitation set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes *each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaa Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)(emphasis added).

Independent claim 1 recites a system to facilitate installation and/or removal of components including at least one shared component, comprising a validation engine ***operative to provide a valid order***, and an installer operative to control at least one of an install and removal operation of the components ***based on the valid order*** and operative to effect manipulation of at least one property associated with the at least one shared component to reflect dependency for the at least one shared component according to the installation or removal thereof. Independent claims 13, 25 and 26 recite similar claim limitations.

The claimed invention utilizes a validation engine to establish a valid ordering of components to be installed and/or removed. Once a valid ordering has been established, an installer utilizes the ordering provided by the validation engine to control the installation and/or removal of components. Based on the valid order, the installer manipulates at least one property associated with at least one shared component to reflect

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dependency for the at least one shared component depending on the installation or removal of that component. Curtis does not disclose, teach or suggest these exemplary and novel features of the invention as claimed.

Curtis discloses a system, method, program, and data structure for installing a program onto a computer. *See* Abstract. Curtis however, fails to disclose or suggest a validation engine operative to provide a valid order prior to the installation and/or removal of components as in applicants' claimed invention. Rather Curtis provides a "check_dependency" function that determines whether a file, program or registry object indicated in a dependency list *is installed* on the computer. *See* col. 11, lines 17-20. Curtis is silent regarding the imposition of a valid order to the installation and/or removal of components.

The check_dependency function, as disclosed in the passages cited by the Examiner, does not provide an ordering of components to be methodically and systematically installed and/or removed, but rather the check_dependency function generates and displays to a user a list of all dependency objects indicative of the dependent components that must be installed prior to installing the depending program. *See* col. 12, lines 27-32. Thus Curtis imposes no ordering on the installation and/or removal of dependency objects, i.e. the dependency objects may be installed in any arbitrary manner that the user deems appropriate. In view of at least the foregoing comments, it is readily apparent that applicants' invention as recited in the subject claims is not anticipated by Curtis; and this rejection should be withdrawn.

II. Rejection of Claims 2-4, 14-15, 17, 23-24 and 29-31 Under 35 U.S.C. §103(a)

Claims 2-4, 14-15, 17, 23-24 and 29-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Curtis as applied to claims 1, 13 and 26 above, respectively, in view of Taylor (US 5,721,824). This rejection should be withdrawn for at least the following reasons. Curtis and Taylor, either alone or in combination, fail to teach or suggest each and every limitation set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria.

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First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must be found in the prior art and not based on the Applicant's disclosure*. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)(emphasis added).

Independent claims 23, 24 and 31 recite similar claim limitations, namely: *a validation component operative to provide a valid order and a setup engine operative to initiate installation of each of the components according to the valid order*. As discussed *supra*, Curtis fails to disclose, teach or suggest a validation component capable of providing a valid order. Curtis simply provides a "check_dependency" function that determines whether files or programs are currently installed on a computer; Curtis does not impose a valid ordering upon the installation and/or removal of components. Further, since Curtis in essence allows a user to arbitrarily select installable dependent objects from a generated list, Curtis cannot possibly base installation of components according to a valid order generated by the validation component.

Moreover, and as the Examiner concedes, Curtis fails to teach or suggest a setup engine operative to initiate installation of each of the components according to the valid order during a first part of the installation, the shared component being installed for a first dependent component during the first part of installation, the shared component being installed for each other dependent component during a second part of the installation separate from the first part. In order to rectify this acknowledged deficiency of Curtis the Examiner relies upon Taylor.

Taylor discloses installing software packages having at least one dependent software package to also be installed on a server or standalone file space, multiple client file space or both in a file system of the server and one or more clients. See col. 1, lines 11-15. Taylor utilizes an action list of dependent packages that is built during installation of the dominant package. Nevertheless, and contrary to the teaching in the claimed invention, Taylor, like Curtis, fails to impose any ordering upon the installation and/or

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removal of components.

The invention as claimed rather than building an action list during the installation of the dominant package, as disclosed in Taylor, ensures that a valid ordering is established prior to the installation and/or removal of both the dominant and secondary packages. Applicants' claimed invention therefore is clearly distinguishable from Taylor in that Taylor fails to teach or suggest a validation component that imposes a valid ordering upon the installation and/or removal of components that, as discussed above, Curtis also fails to provide, and in addition, Taylor fails to initiate installation of each of the components according to a valid order provided by the validation component.

In view of at least the above comments, it is submitted that Curtis and Taylor, either individually or in combination, fail to teach or suggest all limitations set forth in the subject claims, and this rejection of independent claims 23, 24 and 31, and claims that depend there from should be withdrawn.

III. Rejection of Claims 5-7, 19-20 and 27- 28 Under 35 U.S.C. §103(a)

Claims 5-7, 19-20 and 27-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Curtis as applied to claims 1, 18 and 26 above, respectively, in view of Kruger *et al.* (US 6,367,075). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Claims 5-7, 19-20 and 27-28 depend from independent claims 1, 13 and 26 respectively, and Kruger *et al.* fails to makeup for the aforementioned deficiencies presented by Curtis. Accordingly, withdrawal of this rejection and allowance of the subject claims is respectfully requested.

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CONCLUSION

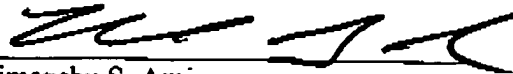
The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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